

CHAPTER 28

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 03-183

BY SENATOR(S) Reeves, Owen, and Teck;
also REPRESENTATIVE(S) Plant, Witwer, and Young.

AN ACT

CONCERNING THE MODIFICATION OF CERTAIN PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION PROGRAMS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-7-804, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-804. Summer school grant program fund - created. (3) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE SUMMER SCHOOL GRANT PROGRAM FUND ON THE EFFECTIVE DATE OF THIS SUBSECTION (3) SHALL BE TRANSFERRED TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 2. Part 8 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-806. Repeal of part. THIS PART 8 IS REPEALED, EFFECTIVE THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

SECTION 3. 22-28-104 (2) (d) (III.2), Colorado Revised Statutes, is amended to read:

22-28-104. Establishment of public preschool programs. (2) (d) (III.2) Notwithstanding any other law to the contrary, school districts that did not have any children participate in the state preschool program during the 2001-02 budget year shall be given the first opportunity to have up to one thousand children participate in the state preschool program during the 2002-03 budget year, with the department giving priority to school districts that have been waiting to participate in the state preschool program for the longest period. ~~If such school districts do not use~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~all one thousand positions, any remaining unused positions shall be allowed to any other school districts that are participating in the state preschool program during the 2002-03 budget year.~~

SECTION 4. The introductory portion to 22-45-103 (1) (c) (I), Colorado Revised Statutes, is amended, and the said 22-45-103 (1) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-45-103. Funds. (1) The following funds are created for each school district for purposes specified in this article:

(c) **Capital reserve fund.** (I) Moneys allocated pursuant to the provisions of section 22-54-105 (2) shall be transferred from the general fund and recorded in the capital reserve fund along with the revenues received pursuant to section 39-5-132, C.R.S. Such revenues may be supplemented by gifts, donations, and tuition receipts. Unencumbered moneys in the fund may be transferred to a fund or an account within the general fund established in accordance with generally accepted accounting principles solely for the management of risk-related activities as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., by resolution of the board of education when such transfer is deemed necessary by the board. EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c), expenditures from the fund shall be limited to long-range capital outlay expenditures and shall be made only for the following purposes:

(V) UPON RECEIPT FROM A SCHOOL DISTRICT OF AN ACCOUNTING OF ANY EXPENDITURES MADE OR MONEYS ENCUMBERED FOR THE PURCHASE OF NEW TEXTBOOKS IN THE 2002-03 BUDGET YEAR, INCLUDING COPIES OF INVOICES, CONTRACTS, OR OTHER DOCUMENTATION OF THE AMOUNT AND PURPOSE OF THE EXPENDITURES OR ENCUMBRANCES, THE DEPARTMENT OF EDUCATION MAY ALLOW THE SCHOOL DISTRICT TO EXPEND MONEYS FROM THE DISTRICT'S CAPITAL RESERVE FUND DURING THE 2002-03 AND 2003-04 BUDGET YEARS TO OFFSET THE ELIMINATION OF ADDITIONAL MONEYS THAT THE DISTRICT WOULD HAVE RECEIVED IN THE 2002-03 BUDGET YEAR PURSUANT TO SECTION 22-54-105 (1) (b) (III) TO PURCHASE NEW TEXTBOOKS; EXCEPT THAT ANY EXPENDITURE OF MONEYS FROM THE FUND MADE PURSUANT TO THIS SUBPARAGRAPH (V) SHALL BE LIMITED TO THE AMOUNT OF MONEYS THE DISTRICT HAS EXPENDED OR ENCUMBERED AS OF JANUARY 31, 2003, FOR THE PURCHASE OF NEW TEXTBOOKS.

SECTION 5. 22-54-105 (1) (b) (III) (A) and (1) (b) (III) (C), Colorado Revised Statutes, are amended to read:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve - at-risk funding - preschool funding - repeal. (1) (b) (III) (A) In addition to the amounts specified in subparagraphs (I) and (II) of this paragraph (b), the amount budgeted in the 2001-02 budget year shall be increased by the amount determined by multiplying twenty dollars by the district's funded pupil count as of October 1, 2001. ~~and the amount budgeted in the 2002-03 budget year shall be increased by the amount determined by multiplying twenty-one dollars by the district's funded pupil count as of October 1, 2002, minus the district's on-line pupil enrollment.~~ The additional amount budgeted pursuant to this subparagraph (III) shall only be used to purchase new textbooks.

(C) For the 2001-02 ~~and 2002-03~~ budget years YEAR, districts shall receive additional amounts of moneys determined by the formula specified in sub-subparagraph (A) of this subparagraph (III). Such additional moneys shall only be used pursuant to the provisions of this subparagraph (III).

SECTION 6. 22-54-117 (1.6) (b), Colorado Revised Statutes, is amended, and the said 22-54-117 (1.6) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-54-117. Contingency reserve - capital construction expenditures reserve. (1.6) (b) Notwithstanding any provision of paragraph (a) of this subsection (1.6) to the contrary, for each calendar month of the 2002-03 fiscal year, through June 30, 2003, the state treasurer shall transfer from the contingency reserve created in the state public school fund pursuant to paragraph (a) of this subsection (1.6) to the school construction and renovation fund created in section 22-43.7-103 (1) an amount equal to the moneys transferred to said contingency reserve during such calendar month no later than the last day of the month in which such moneys were transferred to said contingency reserve. However, the total amount of moneys transferred from the contingency reserve created in the state public school fund to the school construction and renovation fund pursuant to this paragraph (b) shall not exceed ~~four million one hundred thousand~~ FIVE MILLION dollars.

(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH OF THE 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, ONCE THE TRANSFER REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1.6) IS MADE, THE STATE TREASURER SHALL TRANSFER FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION AN AMOUNT EQUAL TO THE MONEYS TRANSFERRED TO SAID CONTINGENCY RESERVE DURING SUCH CALENDAR MONTH NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER, THE TOTAL AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE PURSUANT TO THIS PARAGRAPH (c) SHALL NOT EXCEED THREE MILLION FOUR HUNDRED NINETY-NINE THOUSAND NINE HUNDRED FORTY DOLLARS.

SECTION 7. 22-30.5-112 (4.5), Colorado Revised Statutes, is amended to read:

22-30.5-112. Charter schools - financing - guidelines. (4.5) EXCEPT AS PROVIDED IN SECTION 22-30.5-112.3 (2) (b), any moneys received by a charter school from any source and remaining in the charter school's accounts at the end of any budget year shall remain in the charter school's accounts for use by the charter school during subsequent budget years and shall not revert to the school district or to the state.

SECTION 8. 22-30.5-112.3 (1) (a) (I), (1) (c), and (2), Colorado Revised Statutes, are amended, and the said 22-30.5-112.3 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-30.5-112.3. Charter schools - additional aid from district. (1) (a) (I) For the 2001-02 budget year, THE 2003-04 BUDGET YEAR, and each budget year thereafter, a qualified charter school, as defined in section 22-54-124 (1) (f) or (1) (f.5), whichever is applicable, shall receive state education fund moneys from the school district that granted its charter in an amount equal to the percentage of the district's certified charter school pupil enrollment that is attributable to pupils expected to be enrolled in the qualified charter school multiplied by the total amount of state education fund moneys distributed to the district for the same budget year pursuant to section 22-54-124 (3).

(a.5) FOR THE 2002-03 BUDGET YEAR, A QUALIFIED CHARTER SCHOOL, AS DEFINED IN SECTION 22-54-124 (1) (f.5), SHALL RECEIVE STATE EDUCATION MONEYS FROM THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER IN AN AMOUNT EQUAL TO THE AMOUNT PAID TO THE SCHOOL DISTRICT BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-124 (4.5).

(c) A district shall provide funding to each qualified charter school, as defined in section 22-54-124 (1) (f) or (1) (f.5), whichever is applicable, by making a single lump sum payment to the qualified charter school as soon as possible after the district receives a lump sum payment of state education fund moneys pursuant to section 22-54-124 (4) OR (4.5), WHICHEVER IS APPLICABLE.

(2) (a) A charter school shall use moneys it receives pursuant to subsection (1) of this section solely for capital construction, as defined in section 22-54-124 (1) (a).

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-30.5-112 (4.5), ANY MONEYS RECEIVED BY A CHARTER SCHOOL PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE 2001-02 BUDGET YEAR THAT ARE NOT EXPENDED BY JANUARY 31, 2003, SHALL BE TRANSFERRED BACK TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 9. 22-54-124 (3) (a) (II), (3) (a) (III), and (4), Colorado Revised Statutes, are amended, and the said 22-54-124 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-54-124. State aid for charter schools - use of state education fund moneys.

(3) (a) (II) (A) The ~~total~~ MAXIMUM amount of state education fund moneys to be distributed to all eligible districts for the 2002-03 budget year shall be seven million eight hundred thirteen thousand nine hundred forty-three dollars.

(B) FOR THE 2002-03 BUDGET YEAR, THE MAXIMUM AMOUNT OF STATE EDUCATION FUND MONEYS TO BE DISTRIBUTED TO ANY ELIGIBLE DISTRICT SHALL BE AN AMOUNT EQUAL TO THE PERCENTAGE OF THE SUM OF THE DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT FOR ALL ELIGIBLE DISTRICTS IN THE STATE THAT IS ATTRIBUTABLE TO THE ELIGIBLE DISTRICT MULTIPLIED BY SEVEN MILLION EIGHT HUNDRED THIRTEEN THOUSAND NINE HUNDRED FORTY-THREE DOLLARS.

(III) (A) The total amount of state education fund moneys to be ~~distributed to~~ APPROPRIATED FOR all eligible districts for each budget year from the 2003-04 budget year through the 2011-12 budget year shall be an amount equal to the total amount of state education fund moneys ~~distributed to~~ APPROPRIATED FOR all eligible districts

for the preceding budget year pursuant to subparagraph (II) of this paragraph (a) or this sub-subparagraph (A), whichever is applicable, increased by the rate of inflation for the calendar year ending in the preceding budget year plus one percentage point. The total amount of state education fund moneys to be ~~distributed to~~ APPROPRIATED FOR all eligible districts for the 2012-13 budget year and each budget year thereafter shall be an amount equal to the total amount ~~distributed to~~ APPROPRIATED FOR all eligible districts pursuant to this sub-subparagraph (A) for the preceding budget year increased by the rate of inflation for the calendar year ending in the preceding budget year.

(B) For the ~~2002-03 budget year~~ 2003-04 BUDGET YEAR and each budget year thereafter, the amount of state education fund moneys to be distributed to ~~an~~ ANY eligible district shall be an amount equal to the percentage of the sum of the district's certified charter school pupil enrollment for all eligible districts in the state that is attributable to the eligible district multiplied by the total amount of state education fund moneys distributed to all eligible districts for the same budget year pursuant to sub-subparagraph (A) of this subparagraph (III).

(4) For the 2001-02 budget year, THE 2003-04 BUDGET YEAR, and each budget year thereafter, the general assembly shall annually appropriate from the state education fund created in section 17 (4) of article IX of the state constitution, to the department of education for distribution to eligible school districts in accordance with the formula set forth in paragraph (a) of subsection (3) of this section, an amount equal to the total amount of moneys to be distributed to all districts as determined pursuant to said formula. From the moneys appropriated for a given budget year, the department shall make lump sum payments of all moneys to be distributed to each eligible school district during the budget year as soon as possible.

(4.5) (a) FOR THE 2002-03 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN MILLION EIGHT HUNDRED THIRTEEN THOUSAND NINE HUNDRED FORTY-THREE DOLLARS FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO ELIGIBLE SCHOOL DISTRICTS IN ACCORDANCE WITH THE FORMULA SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(b) FROM THE MONEYS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE 2002-03 BUDGET YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4.5), THE DEPARTMENT SHALL MAKE PAYMENTS OF THE MONEYS TO BE DISTRIBUTED TO AN ELIGIBLE DISTRICT FOR A QUALIFIED CHARTER SCHOOL DURING THE 2002-03 BUDGET YEAR AS SOON AS POSSIBLE UPON RECEIPT OF THE FOLLOWING INFORMATION FROM THE QUALIFIED CHARTER SCHOOL:

(I) A LIST OF EXPENDITURES MADE AS OF JANUARY 31, 2003, USING MONEYS RECEIVED BY THE CHARTER SCHOOL IN THE 2001-02 BUDGET YEAR PURSUANT TO SECTION 22-30.5-112.3 (1);

(II) A LIST OF ALL MONEYS EXPENDED, ENCUMBERED, OR OBLIGATED AS OF JANUARY 31, 2003, IN ANTICIPATION OF THE RECEIPT OF MONEYS IN THE 2002-03 BUDGET YEAR PURSUANT TO SECTION 22-30.5-112.3 (1); AND

(III) COPIES OF INVOICES, CONTRACTS, OR OTHER APPROPRIATE DOCUMENTATION OF THE AMOUNT AND PURPOSES OF THE EXPENDITURES, ENCUMBRANCES, OR OBLIGATIONS DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b).

(c) ONCE A CHARTER SCHOOL EXPENDS AMOUNTS THAT WERE ENCUMBERED OR OBLIGATED AS OF JANUARY 31, 2003, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4.5), THE CHARTER SCHOOL SHALL SUBMIT COPIES OF INVOICES, CONTRACTS, OR OTHER APPROPRIATE DOCUMENTATION OF THE AMOUNTS AND PURPOSES OF THE EXPENDITURES TO THE DEPARTMENT BY AUGUST 1, 2003.

(d) ALL INFORMATION SUBMITTED TO THE DEPARTMENT OF EDUCATION PURSUANT TO THIS SUBSECTION (4.5) SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT.

(e) OF THE AMOUNT OF STATE EDUCATION FUND MONEYS APPROPRIATED FOR THE 2002-03 BUDGET YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4.5), ANY AMOUNT NOT DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) SHALL REMAIN IN THE STATE EDUCATION FUND.

SECTION 10. 22-54-104.1 (1), (4), and (5), Colorado Revised Statutes, are amended to read:

22-54-104.1. General fund appropriations requirements - maintenance of effort base - general fund appropriation for 2001-02 and 2002-03 fiscal years.

(1) In accordance with section 17 (5) of article IX of the state constitution, for state fiscal years 2001-02 through 2010-11, the general assembly shall annually appropriate from the general fund for total program under the provisions of this article an amount equal to the maintenance of effort base plus an amount as determined annually by the general assembly that is equal to at least five percent of the maintenance of effort base, UNLESS COLORADO PERSONAL INCOME GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THE STATE FISCAL YEAR IN WHICH AN APPROPRIATION IS MADE.

~~(4) (a) The general assembly hereby finds and declares that:~~

~~(i) The current economic slowdown being experienced in Colorado has significantly reduced the amount of revenues the general assembly has available to fund state services and programs during the 2001-02 state fiscal year and has caused the general assembly to modify its decisions regarding the objects and level of support for which state revenues are to be expended during said state fiscal year;~~

~~(ii) As a result of this revenue shortfall, it is necessary to reduce the amount of general fund revenues appropriated for total program for the 2001-02 state fiscal year to the minimum amount necessary to comply with the maintenance of effort requirement set forth in subsection (1) of this section;~~

~~(iii) It is financially prudent to make a one-time increase in the amount of general fund revenues appropriated for total program for the 2002-03 state fiscal year sufficient to offset any impact that the reduction in the amount of general fund revenues appropriated for total program for the 2001-02 state fiscal year might have on the long-term solvency of the state education fund; and~~

~~(IV) This one-time increase in the amount of general fund revenues appropriated for total program for the 2002-03 state fiscal year shall not be construed to bind any future general assembly to maintain the same or similar rate of increase in the amount of general fund revenues appropriated for total program in any future state fiscal year.~~

~~(b) For the 2002-03 state fiscal year, the general assembly shall appropriate from the general fund for total program pursuant to the provisions of this article an amount equal to the maintenance of effort base plus an amount equal to seven and thirty-nine one-hundredths percent of the maintenance of effort base.~~

~~(5) For the 2002-03 state fiscal year, the general assembly shall appropriate from the general fund for total program pursuant to the provisions of this article an amount equal to the maintenance of effort base plus an amount equal to at least seven and thirty-nine one-hundredths percent of the maintenance of effort base.~~

SECTION 11. 22-54-123.5 (1), Colorado Revised Statutes, is amended to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (1) For the 2002-03 budget year and each budget year thereafter, the general assembly ~~shall~~ MAY appropriate by separate line item ~~a minimum of five hundred thousand dollars~~ AN AMOUNT to assist school districts that are providing a school breakfast program through participation in programs authorized under the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq., or the ~~"Child Nutrition Act"; "CHILD NUTRITION ACT OF 1966", 42 U.S.C. sec. 1771 et seq.~~ The department shall develop procedures to appropriately allocate and disburse the funds among participating school districts. Each school district that receives moneys pursuant to this section shall use such moneys to create, expand, or enhance the school breakfast program in each low-performing school of the receiving district with the goal of improving the academic performance of the students attending such schools.

SECTION 12. 22-81-206, Colorado Revised Statutes, is amended to read:

22-81-206. Science and technology education fund - creation. (1) There is hereby created in the state treasury the science and technology education fund, referred to in this section as the "fund", for payment of science and technology education center grants awarded pursuant to section 22-81-203. The fund shall consist of such moneys as may be appropriated thereto by the general assembly and such moneys as may be credited thereto pursuant to section 22-81-205 (2). Moneys in the fund shall be subject to annual appropriation by the general assembly for the purposes specified in this part 2. The department may expend up to two percent of the moneys annually appropriated to the fund to offset the costs incurred in implementing the grant program. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 13. Repeal. 22-86-101 (3), Colorado Revised Statutes, is repealed as follows:

~~**22-86-101. Legislative declaration.** (3) It is the intent of the general assembly that the facility summer school grant program created in this article receive funding for the 2002-03 fiscal year from the state education fund created in section 17 (4) of article IX of the state constitution and that any additional funding in subsequent fiscal years from the state education fund be subject to review and determination by the general assembly on an annual basis.~~

SECTION 14. 22-86-106, Colorado Revised Statutes, is amended to read:

22-86-106. Facility summer school grant program fund. (1) There is hereby created in the state treasury the facility summer school grant program fund, referred to in this section as the "fund", for the payment of facility summer school grants awarded pursuant to this article. The fund shall consist of such moneys as may be appropriated thereto from the state general fund and from the state education fund created in section 17 (4) of article IX of the state constitution, as well as any moneys received by the department pursuant to section 22-86-103 (4). The moneys in the fund are subject to annual appropriation by the general assembly to the department for the purposes specified in this article. The department may expend up to one percent of the moneys annually appropriated from the fund to offset the documented costs incurred in implementing the grant program. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND ON THE EFFECTIVE DATE OF THIS SUBSECTION (2) SHALL BE TRANSFERRED TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 15. Repeal. 22-7-607.5, 22-7-609.5 (3) (c) (II), 22-54-105 (2) (d), and 22-54-125, Colorado Revised Statutes, are repealed.

SECTION 16. Repeal. Section 6 of chapter 195, Session Laws of Colorado 2002, is repealed as follows:

~~Section 6. **Appropriation - adjustments to the 2002 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution; not otherwise appropriated, to the summer school grant program fund created in section 22-7-804 (1), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of thirty nine thousand six hundred dollars (\$39,600), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of this act.~~

~~(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:~~

~~(a) The appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by thirty nine thousand six hundred dollars (\$39,600). Said sum shall be from moneys in the state education fund created in section 17 (4) of article IX of the state constitution.~~

SECTION 17. Section 64 (2), (3), (4), (6) (a), (6) (b), (6) (d), and (6) (e) of chapter 335, Session Laws of Colorado 2002, are amended to read:

Section 64. **Appropriation - adjustments to the 2002 long bill.** (2) ~~In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state public school fund, created in section 22-54-114, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred sixty thousand three hundred fifty-four dollars (\$260,354), or so much thereof as may be necessary, for the implementation of section 22-54-125, Colorado Revised Statutes.~~

~~(3) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the facility summer school grant program fund created in section 22-86-106, Colorado Revised Statutes, the sum of five hundred thousand dollars (\$500,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of article 86 of title 22, Colorado Revised Statutes.~~

~~(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of section 22-54-123.5, Colorado Revised Statutes.~~

~~(6) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:~~

~~(a) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, school capital construction expenditures reserve, is decreased by fifteen million six hundred twenty-seven thousand eight hundred eighty-six dollars (\$15,627,886). Of said sum, seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution, and seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state public school fund, school capital construction expenditures reserve established in section 22-54-117 (1.5), Colorado Revised Statutes.~~

~~(b) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by nine million ten thousand dollars (\$9,010,000). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX~~

~~of the state constitution.~~

~~(d) The cash funds exempt appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by two hundred sixty thousand three hundred fifty-four dollars (\$260,354). Said sum shall be from the state public school fund, created in section 22-54-114, Colorado Revised Statutes.~~

(e) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by ~~two million five hundred eighty-seven thousand four hundred six dollars (\$2,587,406)~~ TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIFTY-TWO DOLLARS (\$2,327,052), or so much thereof as may be necessary, for the implementation of section 22-54-104 (5) (a) (IX), Colorado Revised Statutes. Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

SECTION 18. Section 65 (1), (2), and (3) of chapter 335, Session Laws of Colorado 2002, are amended to read:

Section 65. **Appropriation - adjustments to the 2002 long bill.** (1) ~~In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the school construction and renovation fund created in section 22-43.7-103 (1), Colorado Revised Statutes, the sum of nine hundred thousand dollars (\$900,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the purpose of providing matching grants for eligible capital construction projects in accordance with article 43.7 of title 22, Colorado Revised Statutes.~~

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the school construction and renovation fund created in section 22-43.7-103 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of ~~four million one hundred thousand dollars (\$4,100,000)~~ FIVE MILLION DOLLARS (\$5,000,000), or so much thereof as may be necessary, for the purpose of providing matching grants for eligible capital construction projects in accordance with article 43.7 of title 22, Colorado Revised Statutes.

(3) ~~In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the school capital construction expenditures reserve in the state public school fund created in section 22-54-117 (1.5), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of ten million dollars (\$10,000,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the purpose of providing supplemental assistance for school district capital expenditures in accordance with section 22-54-117 (1.5), Colorado Revised Statutes.~~

SECTION 19. Part III (2) (C) and the affected totals of section 2 of chapter 399,

Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(C) Grant Programs and Other Distributions

Read-to-Achieve Cash Fund	18,806,982				18,806,982 ^a	
Read-to-Achieve Grant Program	19,000,000				19,000,000 ^b	
Summer School Grant Program Fund	945,800				945,800^c	
Summer School Grant Program	945,800				945,800^d	
Federal Title I Reading First Grant	9,001,635					9,001,635
School Improvement Grants	2,825,000 2,675,000				2,825,000^e 2,675,000 ^e	
Teacher Pay Incentive Program	13,260,000				13,260,000^f	

School Awards			
Program Fund	1,500,000	1,500,000	
Colorado School			
Awards Program	1,500,000		1,500,000 ^c
Teacher Development			
Fund	1,771,625	1,771,625	

(Governor lined through this provision. See L. 2002, p. 303 7. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)

Teacher Development			
Grant Program	2,000,000		2,000,000^f

(Governor lined through this provision. See L. 2002, p. 303 8. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)

Purchase of New			
Textbooks	15,018,326		15,018,326^e
S.B. 97-101 Public			
School Health Services	8,525,325		8,525,325(T) ^g
			(1.3 FTE)
State Public School			
Fund, Contingency			
Reserve ^{22, 23}	5,900,000	1,041,774	4,858,226 ^h
State Public School			
Fund, School Capital			
Construction			
Expenditure Reserve	15,627,886		15,627,886^f
	16,500,060		16,500,060 ⁱ
			(1.0 FTE)
Charter School Capital			
Construction	7,813,943		7,813,943 ^c
State Match for School			
Lunch Program	2,472,644		2,472,644 ^j

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					FEDERAL FUNDS
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT		
\$	\$	\$	\$	\$	\$	\$	\$
Boards of Cooperative Services	220,000	170,000				50,000 ^j	
National Academic Contest Fund	50,000					50,000 ^j	
Funding for National Academic Award Winners	50,000					50,000 ^k	
Science and Technology Center Grant Program	372,000					372,000 ^l	
	<u>123,835,344</u>						
	94,387,589						

^a This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (e), C.R.S.

^b This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506, C.R.S.

^c These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

~~^d This amount shall be from the Summer School Grant Program Fund created in Section 22-7-804, C.R.S.~~

^e This amount shall be from the School Awards Program Fund created in Section 22-11-304, C.R.S.

^f This amount shall be from the Teacher Development Fund created in Section 22-7-708, C.R.S.

^g This amount shall be from federal Medicaid funds appropriated to the Department of Health Care Policy and Financing. Of this amount, \$91,493 shall be for administrative costs.

^h Of this amount, \$4,100,000 is from lottery proceeds projected to be transferred to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (1.6), C.R.S., and \$758,226 shall be from school district reimbursements that are credited to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (5) (b), C.R.S.

ⁱ Of this amount, ~~\$7,813,943~~ \$6,500,060 shall be from the shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and ~~\$7,813,943~~ \$10,000,000 shall be from the State Public School Fund, School Capital Construction Expenditure Reserve established in Section 22-54-117 (1.5), C.R.S.

^j These amounts shall be from the State Public School Fund created in Section 22-54-114, C.R.S.

^k This amount shall be from the National Academic Contest Fund created in Section 22-2-121 (3), C.R.S.

^l This amount shall be from the Science and Technology Fund created in Section 22-81-206, C.R.S.

~~3,091,663,018~~

3,062,215,266

TOTALS PART III

(EDUCATION)^{5, 6}

~~\$3,141,367,483~~

\$2,406,928,430

\$13,098,032^a

~~\$349,511,631^b~~

\$371,829,390

\$3,111,919,731

\$320,063,879^b

^a Of this amount, \$84,352 contains a (T) notation.

^b Of this amount, \$15,112,473 contains a (T) notation, and \$155,250 contains an (L) notation.

SECTION 20. Part III (2) (A) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(2) ASSISTANCE TO PUBLIC SCHOOLS						
(A) Public School Finance						
State Share of Districts ¹						
Total Program						
Funding ^{18, 19}	2,448,085,100	2,224,798,325		10,251,689 ^a	213,035,086^b	
		2,224,548,325			213,285,086 ^b	
Additional State Aid						
Related to Locally						
Negotiated Business						
Incentive Agreements	<u>1,833,315</u>	1,833,315				
	2,449,918,415					

^a This amount shall be from rental income earned on public school lands.

^b Of this amount, ~~\$170,364,847~~ \$170,614,847 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$42,670,239 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, \$24,700,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), \$14,970,239 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S., and \$3,000,000 is estimated to be from audit recoveries deposited in the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S.

3,091,663,018

TOTALS PART III

(EDUCATION)^{5,6}

\$3,141,367,483	\$2,406,928,430	\$13,098,032 ^a	\$349,511,631^a	\$371,829,390
<u> </u>	<u>\$2,406,678,430</u>	<u> </u>	<u>\$349,761,631^b</u>	<u> </u>

^a Of this amount, \$84,352 contains a (T) notation.

^b Of this amount, \$15,112,473 contains a (T) notation, and \$155,250 contains an (L) notation.

SECTION 21. Appropriation - adjustments to the 2002 long bill. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of section 22-54-123.5, Colorado Revised Statutes.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 5, 2003